

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JOHNNY JOE HARO,

Plaintiff,

v.

T. NGUYEN, et al.,

Defendants.

Case No. 1:22-cv-00448-EPG (PC)

ORDER GRANTING DEFENDANTS
NGUYEN AND LAI'S REQUEST TO OPT
OUT OF AN EARLY SETTLEMENT
CONFERENCE

(ECF No. 31)

This matter has been referred for an early settlement conference. (ECF No. 20). On December 8, 2022, defendants Nguyen and Lai ("Defendants") filed a request to opt out of the settlement conference. (ECF No. 31). According to Defendants, defense counsel has conducted an investigation and has conferred with Plaintiff. (*Id.* at 1-2). "However, Defense counsel's investigation has revealed that Defendants did not violate Plaintiff's rights, that Plaintiff's claims are moot, that Defendants in their official capacity may be immune pursuant to the Eleventh Amendment to the United States Constitution, and that Plaintiff is not likely to prevail." (*Id.*). Accordingly, defense counsel does not believe that a settlement conference would be beneficial and moves to opt out of the early settlement conference.

The Court will grant Defendants' request to opt out of an early settlement conference.¹ A settlement conference may be scheduled at a later date, if appropriate.

¹ Pursuant to the order regarding early settlement conference (ECF No. 20), Defendants did not need to file a request to opt out of the early settlement conference. Instead, Defendants should have filed a notice that Defendants are opting out of an early settlement conference.

1 Accordingly, it is ORDERED that Defendants' request to opt out of an early settlement
2 conference (ECF No. 31) is GRANTED.

3
4 IT IS SO ORDERED.

5 Dated: **December 12, 2022**

/s/ Eric P. Grogan
6 UNITED STATES MAGISTRATE JUDGE